

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>JAKE DEREK JOLLY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:12-CV-241(MTT)</b>
	)	
<b>SHERIFF VAN PEAUVY, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER**

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 7). After screening the Complaint pursuant to 28 U.S.C. § 1915A, the Magistrate Judge recommends dismissing the Plaintiff's request to have the Defendants arrested as beyond the authority of the Court. Further, the Magistrate Judge recommends dismissing Defendants Sheriff Van Peavy and Captain Turner because the Plaintiff's failure to protect claim against Van Peavy and Turner does not amount to an Eighth Amendment violation. The Magistrate Judge also recommends dismissing any due process claim the Plaintiff is attempting to assert because the Plaintiff named no Defendants in relation to this claim, and the Plaintiff's allegations that he spent twenty-two days in segregation and lost recreation time do not amount to a due process violation. Finally, the Magistrate Judge recommends dismissing any First Amendment retaliation claim the Plaintiff seeks to raise because the Plaintiff named no Defendants in relation to this claim, and the Plaintiff did not allege

any adverse effect on his speech. The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Plaintiff's request to have the Defendants arrested is **DISMISSED**. Defendants Sheriff Van Peavy and Captain Turner are **DISMISSED**. The Plaintiff's due process and First Amendment retaliation claims are **DISMISSED**. The claims against the remaining Defendants shall proceed.

**SO ORDERED**, this the 10th day of October, 2012.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT